

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

TRACIE L. BROWN (CSBN 184339)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6917
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-05-70606 EMC
)	
Plaintiff,)	[PROPOSED] ORDER AND STIPULATION
)	WAIVING TIME UNDER RULE 5.1 AND
v.)	EXCLUDING TIME FROM AUGUST 1,
)	2005 TO AUGUST 12, 2005 FROM THE
SIVAMANY JEEVARAJAH,)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))
Defendant.)	

The parties appeared before the Court on August 1, 2005. With the agreement of the parties, and with the consent of the defendant, the Court enters this order (1) scheduling a new preliminary hearing/arraignment date of August 12, 2005 at 9:30 a.m., before the Honorable Bernard Zimmerman; (2) documenting the defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; and (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from August 1, 2005 to August 12, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant waives the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Failure to grant the requested continuance would unreasonably deny both defense and government counsel reasonable time necessary for effective preparation, taking

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into account the exercise of due diligence, and would deny the defendant continuity of counsel.

2. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case before the August 12, 2005 preliminary hearing date. The parties are investigating a pre-indictment disposition of the case.

3. The defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny both government and defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would deny the defendant and the government continuity of counsel.

4. Given these circumstances, the Court found that the ends of justice served by excluding the period from August 1, 2005 to August 12, 2005, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court orders that the period from August 1, 2005 to August 12, 2005, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. The Court scheduled a preliminary hearing/arraignment date of August 12, 2005, at 9:30 a.m., before the Honorable Bernard Zimmerman.

IT IS SO STIPULATED.

DATED: 8/2/05

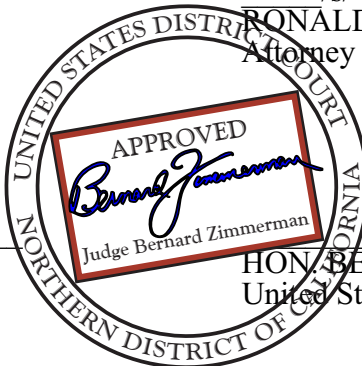
/s/
TRACIE L. BROWN
Assistant United States Attorney

DATED 8/8/05

/s/
RONALD TYLER
Attorney for SIVAMANY JEEVARAJAH

IT IS SO ORDERED.

DATED: August 16, 2005



HON. BERNARD ZIMMERMAN
United States Magistrate Judge